

Translation: Only the Danish document has legal validity.

*Executive Order no. 1385 of 29/11/2024  
issued by the Danish Maritime Authority*

## **Executive Order on certificates confirming insurance or other guarantee to cover liability in case of accidents while carrying passengers at sea.**

Pursuant to Sections 403 b(2), 403 c and 514 a of the Maritime Act, cf. Consolidation Act no. 1013 of 29 June 2023:

### *Obligation to insure*

**Section 1.** Owners of Danish passenger ships in international service must take out insurance or provide other financial security to cover liability in accordance with Regulation (EC) No. 392/2009 of the European Parliament and of the Council of 23 April 2009 (the Athens Regulation) for accidents during commercial passenger transport. Liability includes both war/terrorism liability and non-war liability.

*Subsection 2.* Owners of Danish passenger ships in class A and B, cf. the classification of passenger ships in Article 4 of Council Directive 98/18/EC of 17 March 1998, in national service shall take out insurance or provide other financial security to cover the liability mentioned in Subsection 1. Owners of foreign passenger ships in the same classes must take out equivalent insurance or provide equivalent other financial security to cover the liability mentioned in Subsection 1 if the ships wish to call at a Danish port or other place of loading or unloading in Denmark or on the Danish continental shelf or to perform tasks in Danish territorial waters.

*Subsection 3.* Owners of Danish passenger ships in class C and D, cf. the classification of passenger ships as referred to in Subsection 2 in national service, must take out liability insurance or provide other financial security to cover the liability for damages mentioned in Subsection 1, cf. Subsection 5. Owners of foreign passenger ships in the same classes must also take out liability insurance or provide other financial security to cover the liability for damages mentioned in Subsection 1 if the ships wish to call at a Danish port or other loading or unloading point in Denmark or on the Danish continental shelf or to perform tasks in Danish territorial waters.

*Subsection 4.* Owners of Danish ships carrying up to 12 passengers in national or international service, including ships covered by the Executive Order on small vessels carrying up to 12 passengers and engaged in commercial passenger transport, must take out liability insurance or provide other financial security to cover the liability for damages mentioned in Subsection 1, cf. Subsection 5. For sailing carried out by schools, institutions or similar covered by the state or municipal self-insurance scheme, liability may be covered by such a self-insurance scheme. In case of doubt as to whether a Danish ship is covered, the Danish Maritime Authority will decide. Owners of foreign passenger ships with up to 12 passengers engaged in commercial passenger transport who wish to call at a Danish port or other loading or unloading point in Denmark or on the Danish continental shelf or to carry out tasks in Danish territorial waters, must also take out liability insurance or provide other financial security to cover the liability for damages mentioned in Subsection 1, cf. Subsection 5. In case of doubt as to whether a foreign ship is covered, the Danish Maritime Authority will decide.

*Subsection 5.* The insurance obligation under Subsections 3 and 4 does not include liability for passenger injuries caused by terrorism or liability for claims for compensation for disability aids, advance payment and duty of disclosure.

*Subsection 6.* Danish state-owned ships used for commercial passenger transport in national and international service are not required to take out insurance or procure other financial security to cover the liability mentioned in Subsection 1.

*Issuance of a certificate confirming insurance or other guarantee to cover liability in case of accidents while carrying passengers at sea*

**Section 2.** Owners of ships mentioned in Section 1(1), (2) and (6) must apply to the Danish Maritime Authority for a certificate confirming that insurance or other financial security has been taken out to cover the liability mentioned in Section 1(1). These ships are not allowed to operate without a certificate. Owners of foreign ships as mentioned in Section 1(2) shall not, however, apply to the Danish Maritime Authority for a certificate if they already hold a certificate that can be recognised under Section 4.

*Subsection 2.* Ships mentioned in Section 1(3) and (4) are not covered by the certificate requirement. These ships must have an insurance policy or other proof that liability insurance has been taken out, unless it is a ship or small vessel where liability can be covered by a state or municipal self-insurance scheme under Section 1(4). Where such a document is required, the policy or other proof of liability insurance shall be kept on board and shall be produced to the authorities on request, cf. Subsection 3.

*Subsection 3.* The requirement to keep the insurance policy or other certificate of liability insurance on board does not apply if the ship is constructed in a way that precludes the keeping of these documents on board.

**Section 3.** Applications for the issue of a certificate under Section 2(1) must be submitted to the Danish Maritime Authority. The application can be made electronically. Applications must be accompanied by declarations from insurers or guarantors.

*Subsection 2.* The declarations must state that the owner of the ship has taken out insurance or provided other guarantees to cover war/terrorism liability and non-war liability arising out of the Athens Regulation and within the limits of the Regulation's liability, cf. Subsection 7. It shall also state that the insurers or guarantors confirm that the insurance or guarantees cover the liability in question and, in the case of guarantees, what the guarantees consist of.

*Subsection 3.* The declarations referred to in Subsection 2 shall contain the following information:

- 1) The ship's name, registration number or letters and port of registry.
- 2) Name and head office of the registered owner.
- 3) The ship's IMO identification number.
- 4) Nature and validity of the security.
- 5) Name and port of registry of the insurer or guarantor.
- 6) The validity period of the insurance or guarantee.

*Subsection 4.* The Danish Maritime Authority may require documentation that insurers are authorised to conduct insurance business and are approved by the insurance supervisory authority in the country where the company has its business address or head office. In special cases, the Danish Maritime Authority may require that it is also documented that the companies in question are solvent and can fulfil their obligations. Similar requirements can be placed on companies that want to provide a guarantee. The agency may require the applicant to provide documentation for this and may refuse to issue a certificate if the requirement is not met. The Danish Maritime Authority may also refuse to issue a certificate if it becomes aware of information that makes it likely that there is a risk that the companies in question or the companies in question cannot fulfil their obligations.

*Subsection 5.* In order for the insurance or guarantee to be approved, the insurers or guarantors must also undertake to pay compensation to anyone who has a legitimate claim against the owner of the vessel for damage caused by accidents while carrying passengers at sea. The obligation to pay compensation shall apply for up to three months after the date on which the Danish Maritime Authority is notified of the termination of the insurance or guarantee. This does not apply to accidents occurring after the expiry of the validity period stated in the certificate or if the certificate has previously been returned to the Danish Maritime Authority or a new certificate has been issued.

*Subsection 6.* If the Danish Maritime Authority finds the insurance or guarantees sufficient, a certificate is issued to the ship. The certificate shall be drawn up in accordance with the model in Appendix II of the Athens Regulation, cf. Appendix 1 to this Executive Order.

*Subsection 7.* The Danish Maritime Authority may issue a certificate to a ship owned by a Danish state institution confirming that the ship is state-owned and covered for liability as mentioned in Subsection 2 without declarations from insurers or guarantors as mentioned in Subsection 2.

#### *Certificates for foreign ships*

**Section 4.** For a foreign ship registered in an EU/EEA state - or when the Athens Convention has entered into force in a state that has acceded to the Convention - a certificate issued by the competent authority of that state is recognised. The certificate shall be drawn up in accordance with the model shown in Appendix II of the Athens Regulation, cf. Appendix 1 to this Executive Order.

**Section 5.** For a foreign ship as mentioned in Section 1(2) without a foreign certificate that can be recognised under Section 4, an application must be submitted and payment under Section 10 made no later than 14 days before the time when the ship enters a Danish port or other place of loading or unloading in Denmark or on the Danish continental shelf or starts performing tasks in Danish territorial waters.

**Section 6.** In special circumstances, a certificate may be issued to a foreign ship without a valid certificate under Section 4, even though it does not call at a Danish port or other place of loading or unloading in Denmark or on the Danish continental shelf or operate permanently in Danish territorial waters. Applications should be sent to the Danish Maritime Authority. The application may be made electronically and shall be accompanied by declarations from insurers or guarantors. Section 3(2-6) shall apply correspondingly.

#### *Bareboat registered ships*

**Section 7.** The Danish Maritime Authority may issue a certificate in accordance with the requirements in Section 3(2-6) to a ship that is owner-registered in Denmark but bareboat registered in the register of a foreign state.

*Subsection 2.* If the ship is bareboat registered in an EU/EEA state, a certificate issued by a competent authority in that state is recognised. The certificate shall be drawn up in accordance with the model shown in Appendix II of the Athens Regulation, cf. Appendix 1 to this Executive Order.

*Subsection 3.* If the ship is not bareboat registered in an EU/EEA state, a certificate issued by a competent authority in an EU/EEA state is recognised.

**Section 8.** The Danish Maritime Authority may issue a certificate in accordance with the requirements in Section 3(2-6) to a ship that is owner-registered in a foreign country's register, but bareboat registered in Denmark.

*Subsection 2.* If the ship already has a valid certificate, a copy must be submitted to the Danish Maritime Authority. The Danish Maritime Authority then contacts the issuing authority in the country where the ship is registered and asks to be kept informed of any changes in the validity of the certificate.

#### *Other provisions*

**Section 9.** In this Executive Order, owner means the ship's owner, shipowner or bareboat charterer or others who operate the ship in the owner's place.

**Section 10.** A fee of DKK 50 is payable to the Danish Maritime Authority for issuing a certificate of valid insurance or guarantee.

**Section 11.** A certificate is issued for a specific period of time, but no longer than the validity period of the insurance or guarantee. The certificate is only issued when payment according to Section 10 has been registered.

*Subsection 2.* A certificate pursuant to Section 5 is issued with a maximum validity period of three months. For ships operating permanently in Danish territorial waters, a certificate may be issued with a longer period of validity, but not longer than the period of validity of the insurance or guarantee.

**Section 12.** The Danish Maritime Authority sends a copy of a certificate issued to a ship to its owner or to the person who has applied for the issue of the certificate on behalf of the ship. For a foreign ship, a copy must also be sent to the ship register of the country in question.

*Subsection 2.* The owner of a ship with a certificate issued by the Danish Maritime Authority is required to immediately return the certificate to the Danish Maritime Authority upon termination of the insurance or guarantee and upon expiry of the certificate's validity period.

*Subsection 3.* The owner is required to notify the Danish Maritime Authority immediately after becoming aware of any amendments to the insurance or guarantee that affect the validity of a certificate issued by the Danish Maritime Authority.

**Section 13.** The Danish Maritime Authority may revoke a certificate if it becomes aware of amendments to the insurance or guarantee that affect the validity of the certificate.

**Section 14.** Police, customs or port authorities who in the course of their duties observe a violation of this Executive Order shall immediately report the violation to the Danish Maritime Authority.

*Subsection 2.* Upon arrival, the Danish Maritime Authority can check whether the ship carries the required certificate. If it is doubtful whether the ship has sufficient insurance cover, it can be detained until the situation is resolved.

**Section 15.** Violation of Section 2(1) and (2) and Section 12(2) and (3) is punishable by a fine.

*Subsection 2.* Criminal liability may be imposed on companies or other legal persons in accordance with the rules laid down in Chapter 5 of the Criminal Code.

*Entry into force provisions*

**Section 16.** This Executive Order shall enter into force on 1 January 2025.

**Section 17.** The Executive Order does not apply to the Faroe Islands and Greenland.

*The Danish Maritime Authority, 29 November 2024*

Rasmus Høy Thomsen

/ Kristina Ravn